

VZCZCXRO6627
OO RUEHBZ RUEH DU RUEHGI RUEHMR RUEHRN
DE RUEHKI #0441 1251537
ZNR UUUUU ZZH
O 051537Z MAY 09
FM AMEMBASSY KINSHASA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9559
INFO RUEHXR/RWANDA COLLECTIVE
RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE
RUEAIIA/CIA WASHDC
RHEFDIA/DIA WASHDC
RHMFISS/HQ USEUCOM VAIHINGEN GE
RUZEJAA/JAC MOLESWORTH RAF MOLESWORTH UK

UNCLAS KINSHASA 000441

SENSITIVE
SIPDIS

E.O. 12958: N/A

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [PREF](#) [CG](#)

SUBJECT: MEETING WITH UNHCR REPRESENTATIVES ON REFUGEE RETURN

REF: KINSHASA 423

¶1. (SBU) Summary: We recently met with the UNHCR team in North Kivu. They are under political pressure as a result of the recent thaw in relations between the GDRC and the GoR to facilitate the return of Congolese refugees to the Petit Nord. At the moment, those in Rwanda are staying put, but some in Uganda have started returning. The thorniest issues will be related to citizenship and land. UNHCR expects a run-in with the GDRC and local chiefs over the former. UN Habitat has been brought in to handle the latter. The team hopes to sign a Tripartite Agreement with the GDRC and the GoR in July to facilitate returns. End summary.

Rwanda-based Refugees

¶2. (SBU) There are 54,000 Congolese refugees registered with UNHCR in Rwanda - 52,000 in camps and 2,000 in urban areas. In UNHCR's view, there are probably not many additional refugees, but other sources disagree, with at least as many unregistered as registered. The vast majority are Tutsis from Masisi.

¶3. (SBU) In theory, the refugees are free to return now. In practice, however, they are likely to wait until there is a Tripartite Agreement in place between the GDRC, GoR and UNHCR. Technical discussions are ongoing (reftel) and UNHCR hopes to have an agreement ready for ministerial signature in July with a view to returns starting in August.

¶4. (SBU) The value of a Tripartite Agreement is partly political, a signal on both sides of the border that the situation has improved sufficiently for returns to begin. However, such an agreement will also be used to regulate key issues, such as what kind of ID will be recognized (e.g. birth certificates), to ensure returnees are not harassed by border authorities and to allow each government to monitor what the other is doing, thereby building trust.

¶5. (SBU) UNHCR says the GDRC has continually questioned whether many of the refugees in Rwanda are actually Congolese citizens. It wants the traditional chief of the receiving territory to be the judge (Note: This was apparently a recommendation of the Goma Conference. The traditional chief of Masisi, to where most of the refugees in Rwanda will return, is a Hunde; almost all the refugees are Tutsis. End note). UNHCR rejects these GDRC positions, insisting that all refugees registered with them have been properly vetted and should be accepted as citizens. The Tripartite Agreement will clarify this issue.

¶6. (SBU) UNHCR is well aware of the risks connected with land issues. In March it contracted UN Habitat to look into the issue to review the specific problems, try to head them off where possible, e.g., with legislation, and prepare mediation mechanisms. Separately, the issue of Nkunda remains thorny, according to our UNHCR contacts. Many of the refugees view him as a hero. His arrest sparked riots in the camps and the situation remains tense on

this point, UNHCR asserted.

Ugandan-Based Refugees

17. (SBU) The situation regarding the return of Ugandan-based refugees is much simpler. Most of these 67,000 are Hutus from Rutshuru - principally Rutshuru town and the villages along the Kiwanja-Ishasha axis. Some have already begun returning home and no one is likely to question their citizenship. The traditional chief of Rutshuru is himself a Hutu and has long been pushing for their return. For the same reasons, UNHCR also does not anticipate any serious land problems in the Rutshuru area. However, UNHCR noted that in contrast to the new push to ensure that the Rwandan contingent is returned, there is no serious political interest from the GDRC or GoU to move forward with a Tripartite Agreement.

18. (SBU) Comment: The return of the refugees, particularly those from Rwanda, will be both a significant milestone in the Rwandophone agenda and a potential spark igniting resistance to it. The situation may have developed very rapidly since the January joint operations, but UNHCR seems nonetheless poorly prepared, particularly given that the refugee problem dates to 1994. UN Habitat's work on land will be crucial. It is important that any attempts to deal with land issues are integrated with community reconciliation efforts. End comment.

GARVELINK